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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/880,387

Applicant(s)

OFFER, GERO

Examiner

Kelly Campen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/19/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/19/02 is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 4-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (US 6317727).

May discloses a system for processing a payment transaction during auctioning over an IP data network with an auction server for a network connection between a first terminal associated with an auction supplier and a plurality of second terminals respectively associated with a plurality of auction bidders, the auction server including a controller; (fig 2 (54,50,32,34,38), fig 3(32,34,38), col 1, L 51 to col 2, L23, 34-39; a payment processing device coupled to the auction server/fig 2 (42,34,32); a credit memory as part of the payment processing device, the credit memory having a plurality of first credit memory areas for storing electronic credit balances for the plurality of auction bidders', and/fig 3 (76,74,80,90); col 13, 37-50: a separately addressable second credit memory area as part of the credit memory, the second credit memory area for storing an electronic credit balance the auction supplier; and/fig 2 (44,30); fig 3(90): a separately addressable third memory area as part of the credit memory, the third memory area for storing an electronic credit balance associated with an auctioneer(fig 2 (44,42,34) fig 3(90)). May teaches comparing current bid data with respective credit data for the plurality of auction bidders and automatically outputting an authorization signal to the controller in the auction server in order to ascertain, as a result of the comparison, which of the plurality of auction bidders are authorized to participate./col 3, L1-13; 42-65, col 24, L 45-65. However, May does not explicitly disclose at the block diagram level a comparator unit as part of the payment processing device, the comparator unit connected to both the controller of the auction server and the plurality of first credit memory areas via a control and processing unit.

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Official notice is taken that this feature is old and well known in the electronics art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of efficiently comparing signals carrying price data.

Specifically as to claim 2, for a payment memory limit as part of the payment processing device, the payment memory unit connected to the credit memory for storing and blocking a part of an electronic credit balance of a successful bidder which corresponds to a highest bid./ fig 3 (20,76,80,74)., col 3, L42 to col 4, L 24, col 24, L 15-24.

Specifically as to claim 4, wherein the control and processing unit has capability to electronically credit the electronic credit balance of the auction supplier in the second credit memory area by accessing the electronic credit balances for the plurality of auction bidders in one of the first credit memory areas, and also to internally electronically credit the electronic credit balance for the auctioneer in the third credit memory area by accessing the electronic credit balance of the supplier./fig 3 (70,76,80,90)., fig 34(all).

Specifically as to claim 5, a memory unit as part of the auction server, the memory unit including a bidder memory area containing bidder identification data and a bid data memory area containing stored bid data./ fig 15(30,40,80,90) col 12, L 17-34.

Specifically as to claim 6, a plurality of interfaces respectively associated with the plurality of bidder terminals for connection to a plurality of respective bank sewers and for connection, via an authentication unit in the payment processing device, to the credit memory in the payment processing device for crediting and debiting a respective electronic credit balance./fig 2(52,40,42:settlement module has credit(s) and debit(s) fig 1, fig 3 (84).

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Specifically as to claim 7, method for processing a payment transaction during auctioning over an IP data network, the method comprising the steps of: storing a plurality of electronic credit balances for a respective plurality of auction bidders in a credit memory of a payment processing device connected to an auction server in the IP network; storing, via the credit memory in the payment processing device, electronic credit balances both for the auction supplier in the second credit memory area and for the auctioneer in a third credit memory area./ fig 2 (44,30), fig 3(90); sending, via one of a supplier terminal and an auctioneer terminal, minimum bid data to the auction server; storing the minimum bid data under a transaction number in a memory unit of the auction server; transmitting the stored minimum bid data with the transaction number to both a plurality of bidder terminals and, via a control and processing limit of the payment processing device, a comparator unit in the payment processing device; receiving and comparing the minimum bid data, in the comparator unit, with respective credit data for the plurality of auction bidders by accessing first credit memory areas of the credit memory; comparing, via the comparator limit, current bid data and the respective credit data for the plurality of auction bidders at each auction stage; and outputting, as a result of the comparison, a selection signal to a controller in the auction server in order to ascertain which of the plurality of auction bidders are authorized to participate (see above rejection for claim 1).

Specifically as to claim 8, storing and blocking, in the event of a successful bid, part of an electronic credit balance of a successful bidder under a respective transaction number and a payment memory unit in the payment processing device./ fig 3 (20,76,80,74),. col 3, L42 to col 4, L 24, col 24, L 15-24.

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Specifically as to claim 10, accessing by the plurality of auction bidders, via an authentication unit in the payment processing device, the first credit memory areas and changing respective electronic credit balances before and during an auction./ fig 2(52,40,42):settlement module has credit(s) and debit(s)fig 1, fig 3 (84).

Specifically as to claim 11, releasing, once an auction object has been delivered, the pad of the electronic credit balance of the successful bidder which is blocked in the memory unit by at least one of the successful bidder and the supplier entering at least one of the transaction number and a PIN; and/ col 12, L17-34, col 16, L 1-20;crediting electronically via the control and processing unit in the payment processing device, the electronic credit balance of the supplier in the second credit memory area./ fig 3 (70,76,80,90), fig 34(all).

Specifically as to claim 12, lifting by the supplier, if an auction proceeding is reversed, the block on the pad of the electronic credit balance of the successful bidder which is to be paid by entering the transaction number and a PIN (see fig 2 (40)., fig 3 (20,76,80,74), col 3, L42 to col 4, L 24, col 24, L 1 5-24).

Specifically as to claim 13, crediting electronically the electronic credit balance for the auctioneer in the third credit memory area by accessing the electronic credit balance for the supplier in the second credit memory area(see fig 2 (54,50,32,34,38), fig 34432,34,38),. col 1, L 51 to col 2, L23, 34-39).

Specifically as to claim 14, accessing the credit memory area by the supplier, via the authentication unit in the payment processing device, to change the electronic credit balance of the supplier after the auction (see fig 2(52,40,42):settlement module adjusts credit(s) and debit(s) (see fig 1 ; fig 3 (84)).

***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-8, 10-14 have been considered but are moot in view of the new ground(s) of rejection.

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, then the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. In the instant, the applicant failed to traverse the well known in the art statement and as such, the official Notice is made final.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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